

EXHIBIT “A”

O'TOOLE SCRIVO, LLC

James DiGiulio
14 Village Park Road
Cedar Grove, New Jersey 07009
(973) 239-5700
*Attorneys for Plaintiffs, New Wallington
Home, LLC and Morningside at Wallington, LLC*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW WALLINGTON HOME, LLC, a New
Jersey limited liability company; and
MORNINGSIDE AT WALLINGTON, LLC,
a New Jersey limited liability company,

Plaintiffs,

vs.

BOROUGH OF WALLINGTON;
BOROUGH OF WALLINGTON
PLANNING BOARD; MARK W. TOMKO,
in his official capacity as former Mayor of the
Borough of Wallington; DOROTHY B.
SIEK, in her official capacity as former Tax
Collector for the Borough of Wallington; and
CHRISTOPHER ASSENHEIMER, in his
official capacity as Certified Tax Collector of
the Borough of Wallington,

Defendants.

Civil Action No. 2:20-cv-08178

SUBPOENA AD TESTIFICANDUM

TO: Witold "Vic" Baginski
73 Roehrs Drive
Wallington, NJ 07057-1328

SIR:

YOU ARE HEREBY COMMANDED to attend and give testimony before an officer
duly authorized to administer oaths of the State of New Jersey on **September 26, 2024, at 12:00
p.m.**, at the offices of O'Toole Scrivo, LLC, 14 Village Park Road, Cedar Grove, New Jersey

07009, at which time and place you will give testimony with respect to any and all relevant knowledge regarding the subject matter involved in this action.

PLEASE TAKE FURTHER NOTICE that the foregoing deposition will be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rule 30(b)(3) of the Federal Rules of Civil Procedure.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so. Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a civil suit and punishment for contempt of Court.

By: /s/ James DiGiulio
James DiGiulio
O'TOOLE SCRIVO, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009
(973) 239-5700
Attorneys for Plaintiffs

Dated: September 10, 2024